BOARD OF ADJUSTMENT
Zoning Administration Division
Planning and Development Services Department (PDSD)
201 North Stone Avenue, Tucson, Arizona 85701

***** NOTICE OF DECISION *****

DATE OF PUBLIC HEARING **NOVEMBER 18, 2015**

THE DECISIONS OF THE BOARD OF ADJUSTMENT MAY BE APPEALED TO THE SUPERIOR COURT OF PIMA COUNTY BY FILING A COMPLAINT FOR SPECIAL ACTION WITHIN THIRTY (30) DAYS AFTER THE BOARD HAS RENDERED ITS DECISION. ARIZONA REVISED STATUTES SECTION 9-462.06 (J) & (K).

CASE NO. THE APPLICANT

C10-15-07 6TH STREET WALL PROJECT / TUCSON DEPARTMENT OF TRANSPORTATION / 307, 309 WEST 6TH STREET, & 433 NORTH MAIN AVENUE, HR-2, HC-3

The applicant's project site consists of three residential properties zoned HR-2 "Historic Residential" and HC-3 "Historic Commercial". The properties are located in the Downtown Links Corridor on west 6th Street, a collector street identified on the Major Streets and Routes (MS&R) Plan map and Main Avenue a local street. The applicant proposes to construct a new privacy wall for the three residential properties adjacent to 6th Street in accordance with the property purchase agreement between the owners and the City of Tucson. The proposed construction triggers compliance with Tucson Unified Development Code (UDC) sections applicable to the new construction. UDC Sections applicable to this project include, but are not limited to, Section 4.7.9 and Table 4.8-2 which provides the criteria for residential development in the R-2 zone, Section 4.7.22 and Table 4.8-4 which provides the criteria for residential development in the C-3 zone, Section 5.8 which provides standards for the historic preservation overlay zone, and Sections 6.4.5.D.3 and 6.6.2.I which provides the dimensional standards applicable to walls. The applicant is requesting the following variance: **1)** Allow a ten (10) foot high wall along the 6th street frontage, which exceeds the six (6) foot height limit for a wall within a perimeter yard, all as shown on the submitted plans.

DECISION: VARIANCE GRANTED

[DECISION NOTE]

By UDC regulation, a building permit or development approval based upon a Board of Adjustment decision cannot be issued, until a minimum of fourteen (14) days after the Board's decision date.

IMPORTANT NOTICE

FOR VARIANCES OR DESIGN DEVELOPMENT OPTIONS (DDO) GRANTED BY THE ACTIONS OF THIS BOARD: IF A BUILDING PERMIT IS REQUIRED FOR THE PROJECT ASSOCIATED WITH THE VARIANCE OR DDO, IT MUST BE SECURED FROM THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT (PDSD) WITHIN 180 DAYS OF THE HEARING DATE.

VARIANCE AND DDO APPROVALS EXPIRE WITHIN 180 CALENDAR DAYS FROM THE DATE OF THIS MEETING. TWO ADDITIONAL (180 DAY) EXTENSIONS MAY BE GRANTED PROVIDED THERE IS GOOD CAUSE AND THE REQUEST IS MADE IN WRITING.

UNLESS OTHERWISE NOTED, BOARD OF ADJUSTMENT DECISIONS BECOME EFFECTUATED UPON OBTAINING BUILDING PERMITS (IF REQUIRED) AND FULL COMPLIANCE WITH ALL CONDITIONS OF THE BOARD'S DECISION.

THE 180 DAY TIME FRAME TO OBTAIN A BUILDING PERMIT DOES NOT APPLY WHEN THERE IS AN OUTSTANDING ZONING VIOLATION THAT PRECIPITATED THE VARIANCE OR DDO REQUEST FOR THE PROPERTY. THE APPLICANT OR PROPERTY OWNER MUST CONTACT THE PDSD: CODE ENFORCEMENT DIVISION FOR THE DATE THE ZONING VIOLATION MUST BE ABATED.

If you want further information, please call Mark Castro at 837-4979.

Sue Montes

Sue Montes, Secretary
Board of Adjustment

s: zoning administration/ba/decision/1507