

DESIGN REVIEW BOARD

Friday, September 16, 2016 - 11:30 a.m.

AGENDA

Public Works Building, 3rd Floor North Conference Room
201 North Stone Avenue
Tucson, Arizona

STUDY SESSION

Call to order

Roll call of DRB members

Robert Page (Chair)

David Marhefka

Mike Anglin (Vice Chair)

Savannah McDonald

Eric Barrett

Nathan Kappler

Approval of minutes from April 15, 2016

Approval of minutes from August 19, 2016

NEW CASE:

DRB-16-12- FRIEL/PARISIS DETACHED GARAGE/LIVING SPACE CONVERSION, 1201 EAST ALTA VISTA STREET, #2, R-2 [C10-16-08]

The appellants (M. Friel and J. Parisis) are appealing the Planning and Development Services Director's decision to deny Design Development Option (DDO) Case DDO-16-27. Case DDO-16-27 is a request to convert an existing detached accessory garage structure into additional living space. Conversion from an accessory structure into living space triggers the need to bring the structure into compliance with design criteria applicable to residential development in the R-2 zone. The appellants filed a DDO application (Case DDO-16-27) with the Planning and Development Services Department requesting the zoning approval necessary to allow the structure to remain with reduced building setbacks, as measured from the south and east lot lines. The appellants' DDO was denied due to the project's non-compliance with a required DDO General Finding of Tucson *Unified Development Code (UDC)* Section 3.11.1.D.1.e.

Tucson *UDC* sections applicable to this project include Section 3.11.1.D (DDO Findings); Table 4.8-2 which provides the Use Specific Standards applicable to residential development in the R-2 zone; Sections 6.3, 6.4, 6.5 and 6.6 which provide the development standards for all principal and accessory structures; and, Section 3.10.2 which provides for the Board of Adjustment to hear and decide on appeals made to the Planning and Development Services Director's decision on DDO applications; and Section 2.2.6.C.3 which states that the DRB reviews, for recommendation to the Board of Adjustment, appeals of Planning and Development Services (PDS) Director decisions on DDO applications and shall in formulation of its recommendation utilize the same criteria, as provided in Section 3.11.1.D.1 (DDO General Findings) required of the PDS Director in making the decision.

To review the application on line follow this link:

www.tucsonaz.gov/PRO/Command?command=SearchSire&actno=T16SA00231&sirecabinet=P&streetno=null&streetdir=null&streetnm=null&struct=&floor=&unit=&SearchButton=AssociatedDocumentsandPlans

THE APPELLANTS' REQUEST

The appellants are requesting reversal of the Planning and Development Services Director's decision to deny Case DDO-16-27, which is a request to allow the following Design Development Options (DDO):

- 1) Allow the south perimeter yard setback to remain as reduced from six (6') feet to one (1') feet, as measured from the new second dwelling to the south lot line of the property and;
- 2) Allow the east perimeter yard setback to remain as reduced from six (6') feet to four (4') feet, as measured from the new second dwelling to the east lot line of the property, all as shown on the submitted plans.

THE DESIGN REVIEW BOARD (DRB) HAS REVIEWED THE PROPOSED DESIGN DEVELOPMENT OPTIONS AND RECOMMENDS THAT THE BOARD OF ADJUSTMENT (UPHOLD) (MODIFY) (REVERSE) THE DIRECTOR'S DECISION TO DENY DDO 16-27 FINDING THE APPLICATION (IN COMPLIANCE) (NOT IN COMPLIANCE) WITH THE CRITERIA ESTABLISHED IN UDC SECTION 3.11.1.D.1.a-j AND 3.11.1.D.2.a-e (SEE ATTACHMENT 'A').

RND PRE-APPS

The purpose of the pre-application portion of the meeting is to provide potential Rio Nuevo Area (RNA) applicants with an opportunity for non-deliberative discussion with the DRB about the project and the RNA process, prior to actual submittal of the application.

Call to the Audience

Adjourn

If you have any questions concerning this DRB meeting, please contact Michael Taku at 837-4963.
S: zoning administration/drb/091616agen.doc

ATTACHMENT A: DDO APPEALS

UDC SECTION 2.2.6.C.3 states that the DRB reviews, for recommendation to the B/A, appeals of decisions by the PDSB Director on DDO applications in accordance with Section 3.10.2, *Board of Adjustment Appeal Procedure*. The DRB shall apply the same findings (Section 3.11.1.D, *Findings for Approval*) required of the PDSB Director when making its recommendation.

SECTION 3.11.1.D.1 "GENERAL FINDINGS FOR DDO"

For all modification requests, the PDSB Director may approve a DDO request only if the request meets all of the following findings:

- a. Is not a request previously denied as a variance;
- b. Does not modify a conditional requirement or finding to determine whether the use should be allowed in the zone;
- c. Is not to a condition of approval for a rezoning or Special Exception Land Use application;
- d. Does not modify a requirement of an overlay zone, such as, but not limited to, Scenic Corridor, Environmental Resource, Major Streets and Routes Setback, or Airport Environs;

- e. Does not result in deletion or waiver of a UDC requirement;
- f. The modification applies to property that cannot be developed in conformity with the provisions of this Chapter due to physical circumstances or conditions of the property, such as irregular shape, narrowness of lot, exceptional topographic conditions, or location.
- g. Does not create a situation where proposed development substantially reduces the amount of privacy that would be enjoyed by nearby residents any more than would be available if the development was built without the modification;
- h. Does not create a situation where proposed development will block visibility within the required visibility triangle on adjoining streets for either vehicular or pedestrian traffic;
- i. Does not create a situation where the proposed development will cause objectionable noise, odors, trespass lighting, or similar adverse impacts adjacent properties or development; and
- j. Does not create a situation where the development will result in an increase in the number of residential dwelling units or the square footage of nonresidential buildings greater than would occur if the development was built without the modification.

SECTION 3.11.1.D.2 "SPECIFIC FINDING FOR SETBACK AND WALL HEIGHT MODIFICATION REQUESTS"

In addition to the findings in Section 3.11.1.D.1, the PDSD Director shall find, in the case of setback and wall height only, that the modification:

- a. Does not create a situation where proposed development will obstruct significant views of dramatic land forms, unusual stands of vegetation, or parks from nearby properties substantially more than would occur if the development were built without the modification;
- b. Provides design alternatives to better integrate the development into the design character of the immediate neighborhood;
- c. Does not apply to a setback requirement of a Flexible Lot Development (FLD);
- d. Does not create a situation where the proposed development will interfere with the optimum air temperature or solar radiation orientation of buildings on adjoining properties substantially more than would occur if the building or structures were built without the modification; and
- e. Does not create a situation where the proposed use of the property will impose objectionable noise levels on adjoining properties greater than would occur if the buildings or structures were built without the modifications.