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 **September 25, 2019**

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).

ACTIVITY NO. **T19SA00316**

CASE NO. THE APPLICANT

C10-19-15 FREGOSO RESIDENCE / CARPORTS AND PORCH ADDITION / JOSE FREGOSO / 5138 S. FREMONT DRIVE, R-2

The applicant's property is an approximately 4,950 square foot lot zoned R-2 and is developed with a three bedroom one story single family residence with attached carports and covered porch. The attached carports and porch addition were constructed without prior zoning approval or permits. The Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to, Section 4.7.9 and Table 4.8-2 which provides criteria for residential development in the R-2 zone, and Sections 6.3.4 and 6.4.5 which provide dimensional standards applicable to all principal and accessory structures. The applicant is requesting the following variances: **1)** Allow the attached carport and porch addition to be modified to provide for a reduced side perimeter yard setback from 6' to 3', as measured to the east lot line; and **2)** Allow the attached carport and porch addition to remain as constructed with a reduced front street perimeter yard setback from 20' to 4", as measured to the north (S. Fremont) lot line, all as shown on the construction drawings.

DECISION: VARIANCES 1 AND 2 GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

A. No parking in the area between the carport and curb.
B. Front carport shall not be enclosed

[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 ENVIRONMENTAL SERVICES DEPARTMENT (ESD): CODE ENFORCEMENT DIVISION FOR THE DATE THE ZONING VIOLATION MUST BE ABATED.

If you want further information, please email Mallory Ress at DSD_Zoning_Administration@tucsonaz.gov or call 520-791-5550

Sue Montes

Sue Montes, Secretary
Board of Adjustment

s: zoning administration/ba/decision/1915