



BOARD OF ADJUSTMENT

WEDNESDAY, October 29, 2008

LEGAL ACTION REPORT

1. Call to Order: 1:40 p.m.
2. C10-08-13 GARCIA NEW RESIDENCE/R. AND C. GARCIA, 3007 WEST VIA DE SUENOS, SR

The applicants' property is an irregular shaped 4.13 acre parcel located within a Hillside Development Overlay Zone (HDZ) and is proposed for development with a new single-family residence and garage. The proposed development of the vacant site requires compliance with all *Land Use Code (LUC)* development criteria applicable to new construction. Tucson *LUC* Sections applicable to this project include, but are not limited to Section 2.2.4 which provides criteria for residential development in the SR zone and Section 2.8.1 "Hillside Development Zone" (HDZ) which provides the HDZ regulations applicable to the project. The applicants are requesting a variance to increase the maximum height of a residence allowed within the HDZ, as shown on the submitted plans.

DECISION: VARIANCE GRANTED

C10-08-14 SHARRAH RESIDENCE EXPANSION/J. SHARRAH, 327 EAST PASTIME ROAD, R-2

The applicant is appealing the Development Services Director's decision to deny Design Development Option (DDO) case DDO-08-70. The applicant proposes to expand the existing dwelling with first and second floor additions. The applicant filed a Design Development Option (DDO) application with the Development Services Department (DSD) requesting the zoning approval necessary to allow construction of expansions with reduced setbacks. The applicant's DDO was denied in part, due to a protest on the project's non-compliance with the required DDO Findings of LUC Section 5.3.4.3.F, H, I, J, K, and M. Tucson *Land Use Code (LUC)* Sections applicable to this project include Section 5.3.4.3 (DDO Findings); Section 2.3.5 which provides the design criteria applicable to residential development in the R-2 zone; Sections 3.2.3, 3.2.5 and 3.2.6 which provide the development criteria for all structures; and, Section 5.1.7.3 which provides for the Board of Adjustment to hear and decide on appeals made to the Development Services Director's decision on DDO applications. The applicant is requesting a reversal of the Development Services Director's decision to deny DDO 08-70.

DECISION: UPHOLD THE DEVELOPMENT SERVICES DIRECTOR'S DECISION TO DENY DDO-08-70.

C10-08-15 S.T. PROPERTIES OFFICE BUILDINGS/S.T. PROPERTIES, 2200-2230 EAST SPEEDWAY BOULEVARD, O-3

The applicant is appealing the Development Services Director's denial of Design Development Option (DDO) application DDO-08-101. The applicant's project is developed with the former Ronald McDonald House located on Speedway Boulevard west of Tucson Boulevard and is zoned "O-3" Office. The applicant proposes a change of use, from children's Medical Services use to Medical and Administrative and Professional Office uses. This change of use triggers additional parking requirements that cannot be accommodated on the site. Case DDO-08-101 is a request by a property owner (S.T. Properties) to allow a substitution of additional, non-required landscaping in lieu of providing five (5) additional motor vehicle parking spaces. Tucson *Land Use Code (LUC)* Sections applicable to the project include, but are not limited to Section 2.4.3 which provides the design criteria applicable to commercial development in the O-3 zone, and Sections 5.1.7.3 and 5.3.5.3 (DDO Findings) which provide the DDO regulations applicable to this landscape substitution request. The applicant is requesting a reversal of the Development Services Director's decision to deny DDO 08-101.

DECISION: REVERSE DEVELOPMENT SERVICES DIRECTOR'S DECISION TO DENY DDO-08-101.

C10-08-16 MINTEC BUILDING EXPANSION/MINTEC, INC., 3544 EAST FT. LOWELL ROAD, P-I

The applicant's project is a 2.9 acre site developed with 21,740 square foot office building and is zoned "P-I" Park Industrial. The applicant proposes a 5,632 square foot addition. The proposed expansion is greater than twenty-five (25%) percent which requires the site to be brought into compliance with all *Land Use Code (LUC)* regulations applicable to new construction. The applicant is seeking zoning approval necessary to eliminate screen walls surrounding a required loading zone. Tucson *LUC* Sections applicable to the project include, but are not limited to, the following: Section 2.7.1 which provides the criteria for industrial development in the P-I zone and Sections 3.4.4 and 3.7.2 which provide landscape and screening requirements. The applicant is requesting a variance to delete the screening requirement for one loading space, as shown on the submitted plans.

DECISION: VARIANCE GRANTED SUBJECT TO THE FOLLOWING CONDITION:

A. Plant two additional trees.

C10-08-17 AVECHUCO RESIDENCE CARPORT EXPANSION/M.AVECHUCO, 3404 SOUTH LUNDY AVENUE, R-2

The applicant is appealing the Development Services Director's decision to deny Design Development Option (DDO) case DDO-08-99. The applicant proposes to expand the existing carport with reduced building setback as

measured from the north lot line. The applicant filed a Design Development Option (DDO) application with the Development Services Department (DSD) requesting the zoning approval necessary to allow construction of the expansion with a reduced setback. The applicant's DDO was denied in part, due to a protest on the project's non-compliance with the required DDO Findings of LUC Section 5.3.4.3.F, H and M. Tucson *Land Use Code (LUC)* Sections applicable to this project include Section 5.3.4.3 (DDO Findings); Section 2.3.5 which provides the design criteria applicable to residential development in the R-2 zone; Sections 3.2.3, 3.2.5 and 3.2.6 which provide the development criteria for all structures; and, Section 5.1.7.3 which provides for the Board of Adjustment to hear and decide on appeals made to the Development Services Director's decision on DDO applications. The applicant is requesting a reversal of the Development Services Director's decision to deny DDO 08-99.

DECISION: REVERSE DEVELOPMENT SERVICES DIRECTOR'S DECISION TO DENY DDO-08-99 SUBJECT TO THE FOLLOWING CONDITIONS:

- A. Parapet wall to extend along entire length of north elevation.
- B. No openings on north elevation.
- C. Roof drainage to be directed away from adjacent properties.

C10-08-12 GRAVINO RESIDENCE/R. GRAVINO, 2808 NORTH VENICE, R-1

The applicant is appealing the Development Services Director's denial of Design Development Option (DDO) Case DDO-08-73. Case DDO-08-73 is a request by a property owner (R. Gravino) to allow continued construction of a single-family dwelling with a reduced front street yard setback. The applicant filed a Design Development Option (DDO) application with the Development Services Department requesting the zoning approval necessary to allow the structure to remain with a reduced building setback, as measured from the front street lot line (Case DDO-08-73). The applicant's DDO was denied in part, due to protests on the project's non-compliance with the required DDO Findings of LUC Section 5.3.4.3.F, H, I, J, K, and M. Tucson *Land Use Code (LUC)* Sections applicable to this project include Section 5.3.4.3 (DDO Findings); Section 2.3.4 which provides the design criteria applicable to residential development in the R-1 zone; Sections 3.2.3, 3.2.5 and 3.2.6 which provide the development criteria for all structures; and, Section 5.1.7.3 which provides for the Board of Adjustment to hear and decide on appeals made to the Development Services Director's decision on DDO applications. The applicant is requesting a reversal of the Development Services Director's decision to deny DDO 08-73.

DECISION: THE BOARD GRANTED THE APPLICANT'S REQUEST FOR RECONSIDERATION. THE NEW PUBLIC HEARING IS SCHEDULED FOR DECEMBER 17, 2008.

- 3. Adjournment: 6:10 p.m.