

STAFF REPORT

DATE: January 30, 2019

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T18SA00518

**C10-19-01 RASCON RESIDENCE REMODEL AND NEW ADDITIONS /
AMELIA RASCON / 4713 EAST 13TH STREET, R-1**

The applicants' property is an approximately 8,674 square foot lot zoned R-1 "Residential" and is developed with a single-family residence. The applicants converted the existing carport and storage room to living space, added a new bathroom and porch, and remodeled a second existing storage room without prior zoning approval or permits.

THE APPLICANTS' REQUEST TO THE BOARD

The applicants are requesting the following variances:

- 1) Allow the new attached bathroom and storage room to remain as constructed with a reduced side perimeter yard setback from 7.48' to 1.3' and 0.7' as measured to the west lot line;
- 2) Allow the enclosed carport to remain as constructed with a reduced side perimeter yard setback from 8.35' to 6'-1" as measured to the west lot line; and
- 3) Allow the new attached porch to remain as constructed with a reduced side perimeter yard setback from 6.95' to 3' as measured to the west lot line, all as shown on the submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

Tucson *Unified Development Code (UDC)* sections applicable to this project include, in part, the following:

Section 4.7.8 *Residence Zone (R-1)* and Table 4.8-2 *Permitted Uses –Urban Residential Zones* which provide the use criteria in the R-1 zone; and

Sections 6.3.4 *Dimensional Standards and Exceptions Tables*, 6.4.5 *Perimeter Yards*, and Table 6.3-2.A *Dimensional Standards for the R-1 Zone*, which provide the development standards applicable to all principal and accessory structures.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED R-1; (single-family residential)

North: Zoned R-1; (single-family residential)

South: Zoned R-1; (single-family residential)

East: Zoned R-1; (single-family residential)

West: Zoned R-1; (single-family residential)

RELATED PLAN REVIEWS

Engineering

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

Environmental Services Department (ESD) - Code Enforcement Division: Case No. T18DV04447 - A notice of violation was issued on August 9, 2018 for a complaint related to additions constructed without permits and not meeting setbacks. The status is now pending the outcome of this variance application.

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 applicants' property is an approximately 8,674 square foot lot zoned R-1 "Residential" and is developed with a single-family residence. The applicants converted the existing carport and storage room to living space, added a new bathroom and porch, and remodeled a second existing storage room without prior zoning approval or permits. The applicants are seeking the necessary zoning approval to allow the converted spaces and new additions to remain as constructed. The construction triggers compliance with Tucson *Unified Development Code (UDC)* sections applicable to the new construction.

Converted Carport, New Bathroom, Storage and Porch

UDC Sections 6.3.4, 6.4.5, and Table 6.3-2.A, require a minimum side perimeter yard setback of 6'-0" or 2/3 the height of the wall, whichever is greater, be provided between the building and the west lot line.

Based on a wall height of 12'-8", the required setback to the west lot line from the converted carport is 8.35'. The existing setback is 6'-1".

Based on a wall height of 11'-4", the required setback to the west lot line from the new attached bathroom and storage room is 7.48'. The existing setback is 1.3' and 0.7'.

Based on a wall height of 10'-6", the required setback to the west lot line from the new attached porch is 6.95'. The existing setback is 3'.

Discussion

The applicants enclosed the existing carport and storage space to create a new bedroom and family room on the west side of the residence. A new bathroom, approximately 5' wide, was constructed between the building wall of the enclosed carport and the west lot line. The additional storage space just north of the new bathroom was existing when the applicant purchased the property. This storage space was remodeled as part of this project. The bathroom addition and storage room are the closest spaces to the west property line. The walls on these additions will need to comply with fire regulations, which will include removing openings on the west wall. A new attached porch was also constructed at the rear of the storage room and new bedroom.

The property, like others in the neighborhood, was developed in a manner that takes advantage of the width of the lot rather than the depth. The conversion of existing carport and storage space to habitable space is reasonable and not uncommon. Based on the floor plan of the home, it is reasonable to consider the applicants' logic for expanding on the west side of the home by adding a bathroom

for the new bedroom. The bathroom and storage rooms abut against the neighboring backyard and not against the wall of the residence. In addition, other properties in the neighborhood have constructed additions that encroach into the side perimeter yards.

Conclusion

Given that special circumstances exist such as existing site conditions that make it reasonable for expanding in the side yard; and that the carport conversion and additions are not out of character with other development in this neighborhood, and does not constitute a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone, staff does not object to the requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notification dated October 30, 2018, and the meeting sign-in sheet dated November 10, 2018.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

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

It is the opinion of staff there are special circumstances applicable to the property; that 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; and that the variances requested are the minimum needed to afford relief and the least modification possible of those *UDC* provisions which are in question.

Mark Castro, Lead Planner
for
Russlyn Wells, Acting Zoning Administrator

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