



BOARD OF ADJUSTMENT VARIANCE APPLICATION

Case Number: C10- 19-02 Activity Number: T18SA00550 Date Accepted: 12/18/18

PROPERTY LOCATION INFORMATION

Property Address: 4210 East Santa Barbara Ave Tucson, AZ 85711

Project Description: Carport to Garage Enclosure

Zoning: R-1 Property Size (sqft): 8494sqft

Number of Existing Buildings: 3 Number of Stories: _____ Height: _____

Legal Description: E 62' OF W 137' OF S 139.8' OF E2 NE4 SW4 .20 AC SEC 15-14-14

Pima County Tax Parcel Number/s: 126172760

APPLICANT INFORMATION (The person processing the application and designated to receive notices):

APPLICANT: Jessica and Nicholas Deratany

ADDRESS: 4210 East Santa Barbara Ave Tucson, AZ 85711

PHONE: (520) 402-9496 FAX: () EMAIL: jrderatany@gmail.com

PROPERTY OWNER (If ownership in escrow, please note): Jessica and Nicholas Deratany

ADDRESS: 4210 East Santa Barbara Ave Tucson, AZ 85711

PHONE: (520) 402-9496 FAX: () EMAIL: jrderatany@gmail.com

PROJECT TYPE (check all that apply):

- New building on vacant land
- New addition to existing building
- Existing building needs permits
- Landscaping / Screening substitution
- Change of use to existing building
- New building on developed land
- Modification to wall/fence height
- Other _____

Related Permitted Activity Number(s): _____

I hereby certify that all information contained in this application is complete and true to the best of my knowledge.

Jessica Deratany
dotloop verified
12/01/18 12:43 PM MST
CAKU-U7BQ-QSUE-TZR9

SIGNATURE OF OWNER/APPLICANT

Date



APPLICANT'S REQUEST TO THE BOARD OF ADJUSTMENT

Provide applicable UDC Section reference, what is required and what is proposed/provided for each variance requested.

Per the City of Tucson Unified Development, "The site is located in the R-1 zone (UDC 4.7.9). Single-Family residential is a permitted use in this zone (Table 4.8-2). See use specific standards 4.9.7.B.6, .9 & .10."

Therefore this project requires a variance to the code requirements. The variance we are seeking is "The structure is located 3' from the street property line. The minimum required setback is 20' or 1.5 times the height of the structure."

Series of horizontal lines for additional text or notes.

Case Number: C10- 19-02

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BOARD OF ADJUSTMENT – REQUIRED FINDINGS

Arizona State Statutes and UDC Section 3.10.3.K. state that the Board may grant a variance only if the variance request complies with each and every one of these "Findings" in full. It is up to the applicant to explain to the Board how the request complies with each Finding. **Important Note:** Do not leave any "Finding" unanswered or marked "Not Applicable" or "N/A".

- 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;

Due to the placement of the carport so far forward on our lot, there was no way to protect our front yard without enclosing the carport into a garage. The way it was left us very vulnerable to property crime and unable to protect our children from running into the road if they got into the front yard.

- 2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property;

We purchased the property with a permitted carport where it was, with electricity in it, with one full wall and two partial walls. We did not realize property crime would be so bad in the area, we thought it was a safe area.

- 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;

If anything it helps our neighbors because it helps to deter criminals. There is no special usage, other people have garages, just not so far forward. There has been no problems with visibility and the garage has been in place for 2 years now.

- 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;

The entire carport, which was almost a garage just missing 2 walls, would of had to have been demolished and moved in order to enclose our front yard.

Case Number: C10- 19-02 Activity Number: T18SA00550



BOARD OF ADJUSTMENT – REQUIRED FINDINGS (CONTINUED)

- 5. That the granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;

There was already a wall in the area that would be most impactful, the west side, which is closest to the next property. There have been no problems with visibility for the two years that the garage has been in place.

- 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; and,

There was already a wall in the area that would be most impactful, the west side, which is closest to the next property. Our wall adds security to the other adjacent properties. Visually, once painted, it will be far superior than previous for property values on the street.

- 7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions that are in question.

There is no other way to provide a more secure front yard.

Case Number: C10- 19-02 Activity Number: T18SA00550



ZONING REVIEW TRANSMITTAL

FROM: Elisa Hamblin, Lead Planner *EAH*

PROJECT: T18CM08452, 4210 E Santa Barbara Av

Enclose carport to garage, does not meet setback requirements

TRANSMITTAL: October 30, 2018

COMMENTS: The following comments are for the purpose of applying for a variance before the Board of Adjustment (UDC Section 3.10.1).

This site is located in the R-1 zone (UDC 4.7.9). Single-family residential is a permitted use in this zone (Table 4.8-2). See Use Specific Standards 4.9.7.B.6, .9 & .10.

The applicant is proposing to enclose an existing carport to a garage. The structure is located 3' from the street property line. The minimum required setback is 20' or 1.5 times the height of the structure. Board of Adjustment approval required.

Parcel Number: 126-17-2760

Property Address

Street Number	Street Direction	Street Name	Location
4205	E	PASEO DORADO	Tucson
4210	E	SANTA BARBARA AV	Tucson

Contact Information

Property Owner Information:

DERATANY NICHOLAS G & JESSICA R CP/RS
4210 E SANTA BARBARA AVE
TUCSON AZ

85711-4750

Property Description:

E 62' OF W 137' OF S 139.8' OF E2 NE4 SW4
.20 AC SEC 15-14-14

Valuation Data

Valuation Year	Property Class	Assessment Ratio	Total FCV	Limited Value	Limited Assessed
2018	PRIM RESIDENCE (3)	10.0	\$189,492	\$164,934	\$16,493
2019	PRIM RESIDENCE (3)	10.0	\$217,313	\$173,181	\$17,318

Property Information

Township:	14.0	Section:	15	Range:	14.0E
Map & Plat:	/	Block:		Tract:	
Rule B District:	7	Land Measure:	8,669.00F	Lot:	
Census Tract:	3400	File Id:	1	Group Code:	000
Use Code:	0182 (SFR DOMINANT + ADDITIONAL URBAN NON-SUBDIV)			Date of Last Change:	12/31/2015

Sales Information (5)

Affidavit of Fee No.	Sale Date	Property Type	Sale	Validation
20152960582	8/2015	Single Family	\$175,000	X RJM
20133160577	9/2013	Single Family	\$155,000	X Aut
20052140647	11/2005	Single Family	\$260,000	X Aut
19991390157	7/1999	Single Family	\$122,400	X JAC DEED: Warranty Deed
19981400330	8/1998	Single Family	\$64,900	X JAC DEED: Warranty Deed

Valuation Area

District Supervisor: RAMON VALADEZ District No: 2

Condo Market	DOR Market	MFR Neighborhood	SFR Neighborhood	SFR District
70	10	SC_CRAYCROFT_MYERS	05015101	14

Recording Information (8)

Sequence No.	Docket	Page	Date Recorded	Type
20152960582	0	0	10/23/2015	WTDEED
20133160578	0	0	11/12/2013	DEEDDI
20133160577	0	0	11/12/2013	WTDEED
20110820280	0	0	3/23/2011	WTDEED
20100600838	13776	3523	3/30/2010	DEEDTR
20052140647	12673	1942	11/3/2005	WTDEED
19991390157	11093	330	7/21/1999	
19981400330	10863	694	8/19/1998	

Residential Characteristics

Property Appraiser: Stephen Hamner Phone: (520) 724-3061

Main Structure:

Appraisal Date:	6/15/2012	Property Type:	Single Family Residence	Area ID:	Ed 14-050151-01-3
Processed:	12/31/1969	Building Class:	3	Physical Condition:	Fair
Total Living Area:	1,450	Garage Type:	Carport	Effective Construction Year:	1954
Garage Capacity:	2	Stories:	1	Patio Type:	Covered
Rooms:	7	Patio Number:	1	Quality:	Fair
Pool Area:	0	Exterior Walls:	8in Stucco	Valuation Type:	05
Roof Type:	Asphalt	Total Main:	\$187,339	Heating:	Forced
Total Control:	\$187,339	Cooling:	Refrigeration	Total Actual:	\$193,282
Bath Fixtures:	5	FCV Adjustment Factor:	1.000	Enhancement:	\$0
Last Calc:	0903				

Secondary Livable Area #1:

Building Class:	3	Roof Type:	Built Up	Quality:	Fair
Heating:	Forced	Sqft:	1,310	Cooling:	Refrigeration
Year:	1999	Parking:	0	Stories:	2
Patio:	Covered	Walls:	Framed Wood	Actual Value:	\$58,010

Petition Information (1)

Tax Year	Owner's Estimate	Petition	Work Up
2019	\$193,282	pdf	pdf

Permits (5)

Permit	Status	Issued	Final	City	Value	SqFt	Sub	FirstInsp	LastInsp	Processed	% Complete
T98CM05679	SADD ~ FINAL	02/23/1999	04/26/1999	TUC	\$23,246	1,635		12/16/2005	10/27/2006		100
Description: ADDITION:FAMILY ROOM, CARPORT,GARAGE											
T98CM05679	SADD ~ FINAL	02/23/1999	04/26/1999	TUC	\$23,246	1,635		12/29/2005	10/27/2006		100
Description: ADDITION:FAMILY ROOM, CARPORT,GARAGE											
T11CM01269	SALT ~ FINAL	05/03/2011	05/06/2011	TUC	\$0	1,320		06/15/2012		06/15/2012	100
Description: CODE COMPLIANCE: ENCLOSURE:DETACHED LIVING QUARTERS: GARAGE TO 2 BEDROOMS & 2 BATH & LIVING ROOM (2 STORY)											
T11CM01269	SALT ~ FINAL	05/03/2011	05/06/2011	TUC	\$0	1,320		06/15/2012	06/21/2012	06/15/2012	100
Description: CODE COMPLIANCE: ENCLOSURE:DETACHED LIVING QUARTERS: GARAGE TO 2 BEDROOMS & 2 BATH & LIVING ROOM (2 STORY)											
RSALE3749	SALE ~	12/12/2005	12/16/2005	ASR				12/16/2005	10/27/2006		100
Description: Review all property characteristics. Field check as needed.											

Notes (7)

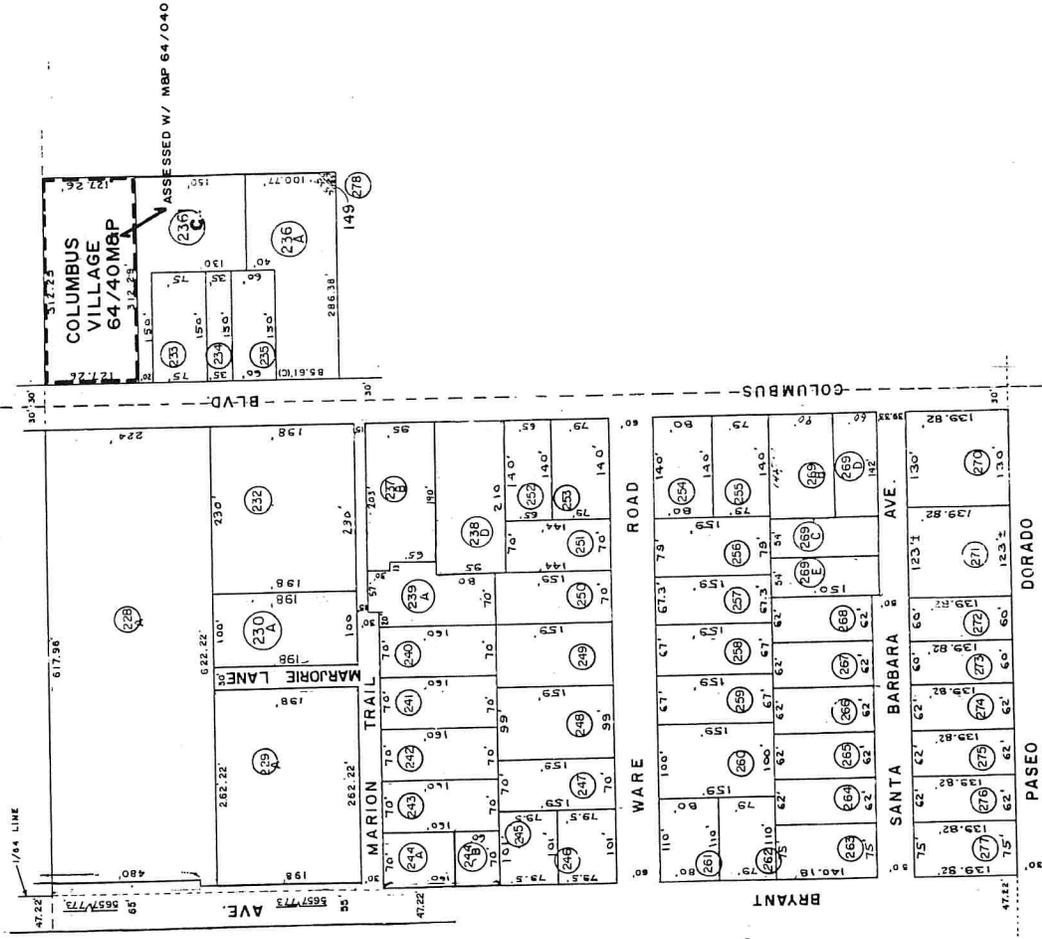
Created: 5/17/2018 Modified: 5/17/2018	Petition 2019 A-level Rule A
Created: 12/31/2015 Modified: 12/31/2015	2017 VIA SECONDARY VALUATION TO CLASS 3 PRIMARY SQ20152960582 PER SALES AFFIDAVIT RULE A
Created: 6/15/2012 Modified: 6/15/2012	Correct story Count from 1 to 2,SF from 1090 to 1310, FrStucco, BU roof, Cov1 (Entry) for 2014, Rule A.
Created: 7/14/2011 Modified: 7/14/2011	BMP 2012 TO CLASS 4(6) FROM STATUS LETTER DATED 5/24/11 & AZRR FORM
Created: 5/25/2011 Modified: 5/25/2011	APEX incorrectly labeled 126-17-2160: Change/correct to 126-17-2760
Created: 11/1/2006 Modified: 11/1/2006	10/27/06 RE-INSPECTED PROPERTY TO VERIFY DATA LISTED IN 12/29/05 LIBRARY ENTRY: CHANGE MAIN HOUSE LIV. AREA TO 1450 SQFT & GUEST HSE LIV AREA TO 1090 SQFT. CHANGE ENHANCEMENT FOR GUEST HSE DUE TO ITS SQFT CORRECTION. THE GUEST HSE IS NOW VACANT.
Created: 12/29/2005 Modified: 12/29/2005	12/16/05 Sales/FC. Interior & ext inspec. Chg lvg sqft to 1460. Rm ct to 7, fix to 5. Htg/Cool to FWA/AC. Add enhancemt for det GH. GH rented & used as business off. Chg use code to 0182.

ASSESSOR'S RECORD MAP

126-17

SECTION 15, TOWNSHIP 14 SOUTH, RANGE 14 EAST
DETAIL 2 (E.1/2,NE4,SW4 & PT NW4,NW4,SE4)

AREA-CODE
0150



206-2



141415002
SCANNED

C.O.T.
PROJECT



Ready to Protect,
Proud to Serve

Victim Notification

In order to be notified of a suspect's arrest, crime victims must register with VINE.

FAILURE TO REGISTER WITH VINE CONSTITUTES A WAIVER OF YOUR RIGHT TO BE NOTIFIED OF AN ARREST IN THIS CASE.

You can register with VINE by:

- Calling 1-800-721-7937
- Online at www.vinelink.com

142110155	0155
Police Report #	PIN #
HIGGINBOTHAM	44102
Officer	Badge #
<input checked="" type="checkbox"/> Suspect Unknown	
<input type="checkbox"/> Arrestee: _____	
Initial Appearance Date: _____	
Initial Appearance Time: _____	
Initial Appearance Location:	
<input type="checkbox"/> In Custody: Pima County Sheriff's Department Facility 1801 S. Mission Road, (520) 351-8311	
<input type="checkbox"/> Field Release: Tucson City Court 103 E. Alameda, (520) 791-4216	
<input type="checkbox"/> Other: _____	
As a victim in this case, you have the right to be present and to be heard at the initial appearance.	



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- Online at www.vinelink.com

1609010235	0235
Police Report #	PIN #
BROWN	100618
Officer	Badge #
<input checked="" type="checkbox"/> Suspect Unknown	
<input type="checkbox"/> Arrestee: _____	
Initial Appearance Date: _____	
Initial Appearance Time: _____	
Initial Appearance Location:	
<input type="checkbox"/> In Custody: Pima County Sheriff's Department Facility 1801 S. Mission Road, (520) 351-8311	
<input type="checkbox"/> Field Release: Tucson City Court 103 E. Alameda, (520) 791-4216	
<input type="checkbox"/> Other: _____	
As a victim in this case, you have the right to be present and to be heard at the initial appearance.	

TO: Board of Adjustment

SUBJECT: Certification of Mailout for 4210 E Santa Barbara Ave
Project Address

I, Jessica Deratany, certify that on 11/13/2018, mailed notice of
Name *date notices mailed*

the neighborhood meeting a minimum of (10) days prior to the meeting date to the parties shown on the attached mailing label list.

Signature: Jessica Deratany Date: 11-13-2018

Attachments: Copy of mailing label list and receipt from post office

November 10th 2018

Neighborhood Meeting for our Board of Adjustment Variance Application

Dear Neighbor,

We converted our existing two walled carport into a fully enclosed garage. Property is located at 4210 East Santa Barbara Ave Tucson, AZ 85711. Per the City of Tucson Unified Development, "The site is located in the R-1 zone (UDC 4.7.9). Single-Family residential is a permitted use in this zone (Table 4.8-2). See use specific standards 4.9.7.B.6, .9 & .10."

Therefore this project requires a variance to the code requirements. The variance we are seeking is "The structure is located 3' from the street property line. The minimum required setback is 20' or 1.5 times the height of the structure."

Prior to submitting our variance application to the City of Tucson Planning & Development Services Department, we are required to offer to meet with our neighbors to discuss our project and answer any questions and address any concerns you might have.

The meeting will be held on December 1st at 11am to 12pm, at 4210 East Santa Barbara Ave. Tucson, AZ 85711. There will be an attendance sheet at the meeting, please be sure to sign it. If you are not able to attend the meeting and have questions and/or concerns, feel free to contact me at: 520-402-9496

A formal application for the variances will be submitted to the City of Tucson Planning and Development Services Department. Once our application is processed, we will be scheduled for a board of adjustment public hearing in which you may attend and speak if so desired. You will receive an official notice from the City as to the date, time and place of the Board of Adjustment public hearing as well as a comment form that you may fill out regarding our project.

Thank you and we look forward to meeting with you.

A handwritten signature in black ink that reads "Jessica Deratany". The signature is written in a cursive style with a large, looping 'J' and a long, sweeping tail on the 'y'.

Jessica Deratany

Variance Permission Neighborhood Meeting Summary at Property Dec 1st 2018 11am-12pm

Meeting held in front of the garage at 4210 East Santa Barbara Ave, weather was good.

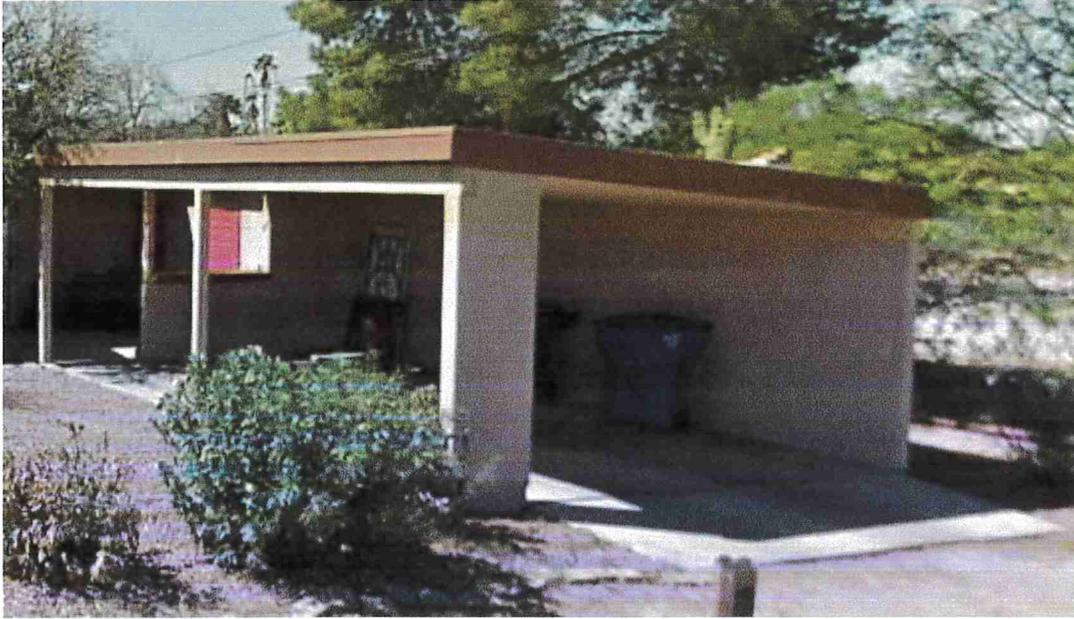
Two people attended, one person called.

Handout given and provided in this packet.

Everyone expressed positivity about the garage, and were curious about the permit/variance process.

4210 E Santa Barbara Ave Carport to Garage Conversion:

Before:



We purchased the property in 2015, we had our truck stolen (never found and never heard anything back from the police) just before this and were excited to get out of high theft apartments. This is a note from our inspection about the carport:

CARPORT

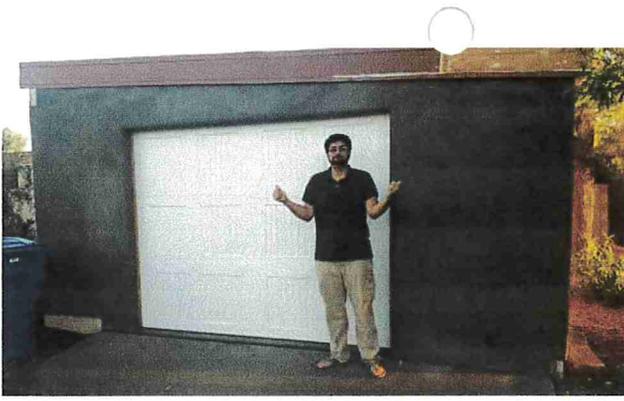
R/R: 4210 BIRDS ARE NESTING BETWEEN RAFTERS OF CARPORT RECOMMEND BLOCKING OPENINGS & CLEANING ALL BIRD DEBRIS FOR HEALTH & SAFETY.

We moved in new years 2016, the carport became a real problem as soon as we moved in as there were many pigeons living in the carport. We sealed up just the eaves but this just caused the pigeons to start roosting on our car, which was even worse. We continued to try to attempt to eliminate the pigeon problem.

Meanwhile:

Fall 2016: I heard a clatter outside my house and stepped out onto my porch expecting to see a stray cat and instead stepped into the scene of a crime. There stood a man, he looked to be in his early 20s, he had a black dolly next to him, and he was holding a package of the tiles we were using on our floor. Here is where I learned my instant reaction is to fight not flight. I started screaming and started after him. The minute he saw me, he yelled some obscenities and dropped what he was attempting to steal on the ground and took off. I chased him barefoot into the street as he ran and jumped into a waiting truck and his accomplice peeled away. I got the license plate. I felt so stupid for chasing him. I felt unsafe in my house.

We got a dog the next day, and we closed in the carport soon after, and had plans to build a wall, I did not think about permits for this, safety was my concern. It also helped public health as it eliminated the pigeon problem and the flock exited our area after being confused for a while.



Outside the carport theft we have consistently seen suspicious cars which look like they are cruising for packages, have had our mail stolen, had “are they home” checkers two times, once confronted by a neighbor who caught him in multiple lies and scared him off. If you are not on it already, **nextdoor.com** has been a great place for neighbors to communicate, join us!

Current:

We were sent a “Notice of Violation” with the main complaint of not obtaining permits to close in the garage. Now we are retroactively going through the process and have discovered we need a variance due to the fact that the garage is so close to the road. I believe the main concern for the city is visibility for cars and people. We have had no problems with visibility in the two years we have had the garage up. The west wall of the carport/garage is the one that limits visibility most for driving cars and that was pre existing and permitted.



Future:

We plan on doing a last finishing coat on the wall and painting the whole home, we won't be three colors forever.



CITY OF
TUCSON

PLANNING &
DEVELOPMENT
SERVICES
DEPARTMENT

ZONING
ADMINISTRATION
DIVISION

December 28, 2018

**SUBJECT: C10-19-02 DERATANY RESIDENCE / CARPORT
ENCLOSURE TO GARAGE / NICHOLAS AND JESSICA
DERATANY / 4210 EAST SANTA BARBARA AVENUE, R-1**

ACTIVITY #: T18SA00550

Dear Neighbor and/or Neighborhood Association Representative,

On November 10, 2018, the applicants sent notice of a neighborhood meeting regarding a variance for the enclosure of an existing carport into a garage at their residence. The variance requested at the time of the notice was for a reduced setback from the front street perimeter lot line along Santa Barbara. Upon further review of the application, staff found that additional variances would be required for reduced driveway length and distance from the driveway behind a pedestrian area. There are no new buildings proposed or revisions to the submitted plan. In order to be in compliance with notification standards, the applicants are notifying you of the additional variance required. The letter from the applicants is attached for your review.

Sincerely,

Heather Thrall,
Lead Planner

Attachment:

Letter from applicants offering to answer questions regarding the requested variances.

Jessica Deratany
4210 East Santa Barbara Avenue
Case: C10-19-02 / T18SA00550
Meeting notice: November 13th
Meeting held: December 1st

Enclosed existing permitted carport into a garage located off Santa Barbara Avenue Frontage.

This letter is to clarify to everyone that if they wish to meet with me and discuss the case, the public hearing date is January 30th 2019, and anyone can contact me up till that date on the subject.

These three variances are related to the R-1 Zoning of our property and the position of the enclosed garage:

- 1) Setback reduction from the greater of 20' or 1.5 x the height of the exterior building wall of the now garage, as measured from the back of curb (to 3' from the property line and 11' from the curb, per the submitted plans)
- 2) Reduced driveway length of less than 18' on the property, in front of the garage (to 11' from the back of curb, per submitted plans)
- 3) Reduced driveway length from back of property line from 19' to 3' from the property line.

Thank you for your consideration,

Jessica Deratany
520-402-9496