

STAFF REPORT

DATE: January 30, 2019

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T18SA00550

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

The applicant's property is an approximately 8,668 square foot lot zoned R-1 "Residential, and is developed with a single-family dwelling with attached carport, and a detached sleeping quarters. The carport attached to the residence was enclosed into a garage without prior zoning approval or permits. The applicant is seeking the necessary zoning approval to allow the garage to remain as constructed.

THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variances:

- 1) Allow the garage to remain as constructed, with a building setback reduced from 20' to 3', as measured from the front street lot line; and
- 2) Allow the garage to remain as constructed, with a reduced driveway length from 18' to 3' as measured from street front property line, all as shown on 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 had no comments, as the location is not within a floodplain.

Environmental Services Department (ESD) - Code Enforcement Division:

Case No. T18DV05831 – A notice of violation was issued on October 3, 2018 for enclosing the carport without obtaining permits. 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 applicant's property is an approximately 8,668 square foot lot zoned R-1 "Residential". The lot is developed with a single-family dwelling with an attached carport and detached sleeping quarters. The carport attached to the residence was enclosed into a garage without prior zoning approval or permits. The applicant is seeking the necessary zoning approval to allow the garage to remain as constructed. The construction triggers compliance with Tucson *Unified Development Code (UDC)* sections applicable to the new construction.

Attached Garage

Per *UDC* Sections 6.3.4, 6.4.5, and Table 6.3-2.A, the required front street setback for the attached garage is 20', as measured from the front street lot line to the garage. The applicant is requesting a variance to reduce the front street building setback to 3'. A driveway length of 18', as measured from the front street lot line to the attached garage is required. The applicant is requesting a variance to reduce the driveway length to 3'.

Discussion

The property is located in an established residential neighborhood consisting of lots ranging from 7,000 to 13,000 square feet in area. The property is bordered along the north by Santa Barbara Avenue and at the south by Paseo Dorado. The two car garage at the northwest corner of the residence is the result of enclosing an existing carport. The setback for the attached carport at 3' from the front street lot line was approved in 1998.

The applicant recently built a masonry wall with gated entry to the front yard along the north property line, between the garage and east property line. Between the home and the sleeping quarters are mature trees and a fenced yard. Based on these existing conditions, including the location of driveways, orientation of site structures, fencing and walls, the site is further restricted from areas to build a new enclosed parking structure.

Conclusion

Given that special circumstances exist such as existing site conditions that restrict the buildable area; that the garage was enclosed from an existing carport, and would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, staff has no objection to the requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notification dated November 20, 2018, December 28, 2018 and the summary of the onsite meeting dated December 1, 2018.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff has no objection to the applicant's requested variances subject to the following condition:

- A. No parking in the area between the garage and street.

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.

Heather Thrall, Lead Planner
for
Russlyn Wells, Acting Zoning Administrator

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