

STAFF REPORT

DATE: February 27, 2019

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T19SA00033

**C10-19-04 ANDRAUX RESIDENCE REMODEL AND NEW ADDITIONS / LUZ
DIVINA ANDRAUX AND ABRAHAM ANDRAUX / 4150 EAST
COOPER STREET, R-1**

The applicant's property is an approximately 15,000 square foot lot zoned R-1 "Residential" and is developed with a single-family residence and attached carport. The applicant is seeking the necessary zoning approval to enclose the carport for habitable space and construct additions to the residence, including adding porches, a two car garage and an attached ramada, all as shown on the submitted plans.

THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variances:

- 1) Allow a reduced side street perimeter yard setback of 3', rather than 10', for construction of a new garage/ramada, as measured from the east lot line along Bryant Avenue.

APPLICABLE TUCSON ZONING CODE SECTIONS

The Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to:

Section 4.7.8 and Table 4.8-2 which provides criteria for residential development in the R-1 zone; and

Sections 6.3.4, 6.4.5 and Table 6.3-2.A which provide dimensional standards applicable to all principal and accessory structures in the R-1 residential zone.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

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

North: Zoned R-1; (single-family residential, across Cooper Street)

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

East: Zoned R-1; (single-family residential, across Bryant Avenue)

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

RELATED PLAN REVIEWS

Engineering Review

The Engineering Division of Planning & Development Services had no comments, as the property is located outside of the floodplain.

Transportation Review:

The Department of Transportation had no adverse comments for vehicular access proposed off Bryant Avenue.

Tucson Fire Department Review

The Tucson Fire Department provided a detailed review for this proposal. Staff recommends that applicant consult with Fire Review prior to submitting building plans.

State Historic Preservation Office

On February 5, 2019, the State Historic Preservation Office (SHPO) provided a review of the proposed construction to the home. The residence is in the San Clemente neighborhood, a National Registered Historic District, of which the home is a contributing structure. The SHPO review indicated aspects of the proposed construction do not meet Secretary of the Interior standards for rehabilitation of a historic building. The review specifically noted adding onto the front of the home, adding roofing gables to the front of the home and changing configuration of windows on the street facing facades would disqualify the home from remaining within the reduced property tax program of this national historic district.

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 15,000 square foot lot zoned R-1 "Residential" and is developed with a single-family residence and attached carport. The applicant is seeking the necessary zoning approval to enclose the carport for habitable space and construct additions to the residence, including adding porches, a two car garage and an attached ramada, all as shown on the submitted plans. The construction triggers compliance with Tucson *Unified Development Code (UDC)*.

Reduced Side Street Perimeter Yard Setback

Per *UDC* Section 4.7.7 and Table 6.3.1.A., the required minimum setback is 10 feet for a structure off a perimeter side street. The applicant is requesting a variance to allow a reduced setback from 10' to 3' for the proposed attached garage and ramada, as measured from the east property line along Bryant Avenue.

Discussion

The property is located in the San Clemente National Register Historic District, at the southwest corner of Cooper Street and Bryant Avenue. The lot is constructed with an approximately 2900 square foot, single story home with attached carport, per submitted plans.

The residence was built circa 1952, oriented at the northwest side of the lot, along Cooper Street, with a circular driveway off Cooper Street. Rather than parallel with lot lines, the home is angled with northwest corner of the structure closer to Cooper and southeast corner further away from Bryant.

Along Bryant Avenue, the lot is bordered by mature palm trees and a brick wall. Along the south lot line, overhead power lines span the length of the lot in an easement. Both gas and sewer lines run along the west lot line.

There are no curbs or sidewalks along the streets within this subdivision, and the Department of Transportation has no concerns for proposed vehicular access off of Bryant Avenue. The proposal for access off Bryant Avenue will entail removal of several of the mature palm trees and the brick perimeter yard wall.

Given existing conditions such as orientation of the home and utility line locations/easements, proposed additions to the home, other than along the north

and east sides of the structure, as shown on the submitted plans, would be impractical.

Conclusion

Given there are special circumstances such as the orientation of the residence and location of utilities, and a reduced building setback is not out of character with other properties 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 October 19, 2018 and the summary of the onsite meeting dated November 4, 2018.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD has no objection to the applicant's requested variance, subject to the following condition:

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

It is the opinion of staff that there are special circumstances applicable to the property; and 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.

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

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