

STAFF REPORT

DATE: May 29, 2019

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T19SA00140

**C10-19-09 TYLUTKI RESIDENCE NEW GARAGE / WILLIAM M TYLUTKI /
2103 EAST CALLE ALTA VISTA, R-1**

The applicant's property is an approximately 9,583 square foot lot zoned R-1 "Residential" and is developed with a single-family residence and detached storage building. The applicant is proposing to construct a new garage attached to the residence.

THE APPLICANTS' REQUEST TO THE BOARD

The applicant is requesting the following variances:

- 1) Allow construction of the garage with a rear perimeter yard setback reduced from 8' to 7' as measured to the north lot line.
- 2) Allow construction of the garage with a side street perimeter yard setback reduced from 10' to 5'-6" as measured to the west lot line, all as shown on the submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

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

Section 4.7.8 *Residence Zone (R-1)* and Table 4.8-2 *Permitted Uses – Urban Residential Zones*, which provides 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, R-2, R-3, MH-1, & MH-2 Zones*, which provides the dimensional standards applicable to all principal and accessory structures.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

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

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

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

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

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

RELATED PLAN REVIEWS

Engineering

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

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 9,583 square foot lot zoned R-1 "Residential" and is developed with a single-family residence and detached storage building. The applicant is proposing to construct a new garage attached to the residence. The project triggers compliance with the Tucson *Unified Development Code (UDC)*.

Attached Garage

Per *UDC* Sections 6.3.4, 6.4.5, and Table 6.3-2.A, the required side street setback for the attached garage is 10' as measured to the west lot line. The applicant is requesting a variance to allow the side street perimeter yard setback to be reduced

to 5'-6". Based on a wall height of 12', the required rear perimeter yard setback for the garage is 8' as measured to the north lot line. The applicant is requesting a variance to allow the rear perimeter yard setback to be reduced to 7'.

Discussion

The property is located in a neighborhood that consists of properties developed with single-family residences and attached carports or garages. The applicant proposes to construct an attached 750 square-foot, two car garage at the northwest portion of the residence. This would be the most logical location given the existing conditions, driveway access and parking. The depth of the garage is needed in order to accommodate a personal full-size truck. In addition, the garage cannot be located any further east due to the existing storage building and electrical panel. There is approximately 8' between the west lot line and the curb, which does keep the garage from encroaching into the street and allows for more visibility when backing out onto the street. There is an existing 5' utility easement to the north which this project will not impact.

Conclusion

Given that there are special circumstances that exist such as the location of the driveway, the existing storage building and electrical panel; and that the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood given the sight visibility will not be negatively impacted; and is the minimum necessary to afford relief due to the existing conditions, staff has no objection to the applicant's requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notification dated March 14, 2019 and the meeting sign-in sheet dated March 30, 2019.

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 curb.

It is staff's opinion that there are physical circumstances applicable to the property; and that the proposed garage would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone; and would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

Mark Castro, Lead Planner
for
Russlyn Wells, Zoning Administrator

RW:mc: s/zoning administration/ba/1909.doc

BOARD OF ADJUSTMENT CASE CHECKLIST

C10- 19-09

- Prepare legal ad and have support staff send for publication
- Prepare posting notice and map
- Email posting notice, map, and affidavit to applicant

- Email board and advise of upcoming field trip (quorum check).
- Prepare field trip packets (case description, zoning map, aerial, plans).
- Email field trip packets.
- Attend the field trip.
- Prepare staff report.
- Keep track of approval/protest forms (provide copies to applicant if necessary).

- Schedule Findings meeting.
- Ensure tablets are charged and ready for public hearing.
- Ensure approval/protest map is prepared.
- Prepare case summary and study session agenda.
- Prepare decision notice.