



BOARD OF ADJUSTMENT VARIANCE APPLICATION

Case Number: C10-19-10 Activity Number: T19SA00160 T19PRE0034 Date Accepted: 4/24/19

PROPERTY LOCATION INFORMATION

Property Address: 2246 East 7th Street, Tucson, Arizona 85719

Project Description: To reduce the required setbacks for a new detached garage

Zoning: R-1 Property Size (sqft): 6750

Number of Existing Buildings: 1 Number of Stories: 1 Height: 11' - 0"

Legal Description: FAIRMONT LOT 1 EXC PTN N15.94' S16..87' W1.32' THEREOF & PTN N14.15' S31.02' E1.32' - 04032

Pima County Tax Parcel Number/s: 125-07-534A

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

APPLICANT: Delmar Paules

ADDRESS: 5146 Hayman Avenue, La Canada, California 91011

PHONE: (818) 245-0037 FAX: () EMAIL: dandapaules@charter.net

PROPERTY OWNER (If ownership in escrow, please note): Paules Family Revocable Trust

ADDRESS: 5146 Hayman Avenue, La Canada, California 91011

PHONE: (818) 245-0037 FAX: () EMAIL: dandapaules@charter.net

- PROJECT TYPE (check all that apply): [] Change of use to existing building [] New building on vacant land [x] New building on developed land [] New addition to existing building [] Modification to wall/fence height [] Existing building needs permits [] Other [] Landscaping / Screening substitution

Related Permitted Activity Number(s): T18CM05839

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

Signature of Delmar Paules

Date: APRIL 12, 2019



PRE-APPLICATION INFORMATION

Zoning Administration Process Overview: A project may be subject to various reviews and criteria depending on the scope of work and the Unified Development Code (UDC). Please note that your projects may not be subject to review by all review authorities used in the table below. The Zoning Administration processes at Planning and Development Services Department (PDSD) include:

Review Process	Review Authorities	PDSD Planning Contact
Design Development Option (DDO) [UDC Section 3.11.1]	Design Review Board (DRB)	Mark Castro – (520) 837-4979
Flexible Lot Development (FLD) [UDC Section 8.7.3]	Design Professional	Carolyn Laurie – (520) 837-4953
Historic Preservation Zone (HPZ) [UDC Section 5.8]	1. Neighborhood Historic Advisory Board 2. Tucson-Pima County Historical Commission (T-PCHC) Plans Review Subcommittee (PRS)	Michael Taku – (520) 837-4963
Infill Incentive District (IID) [UDC Section 5.12]	1. Neighborhood Liaison 2. Design Professional 3. T-PCHC PRS 4. Design Review Committee (IID-DRC)	Carolyn Laurie – (520) 837-4953
Individual Parking Plan (IPP) [UDC Section 7.4.5.A]		Mark Castro – (520) 837-4979
Main Gate District (MGD) Design [MGD Policy]	1. Neighborhood Historic Advisory Board 2. T-PCHC PRS 3. Main Gate District Design Review Committee (MGD-DRC)	Carolyn Laurie – (520) 837-4953
Neighborhood Preservation Zone (NPZ) [UDC Section 5.10]	Design Professional	Carolyn Laurie – (520) 837-4953
Rio Nuevo Area (RNA) (formerly RND) [UDC Section 5.12.7]	1. T-PCHC PRS 2. Design Review Board (DRB)	Michael Taku – (520) 837-4963 Carolyn Laurie – (520) 837-4953
Variances [UDC Section 3.10.3]	Design Review Board (DRB) Board of Adjustment (B/A)	Mark Castro – (520) 837-4979 Russlyn Wells – (520) 837-4948

UDC Compliance Review: All projects must **FIRST** be submitted for compliance review at the PDSD 1st floor, 201 North Stone Avenue, (520) 791-5550. The UDC compliance comments for the project are generated by PDSD staff after completing their review of the detailed development package submitted for the project to ensure that all needed modifications are identified.

Pre-Application Meeting (if required): Once you have completed the following Application Form and obtained the Submittal Requirements. Applications for pre-submittal conferences must include a completed application form submitted by 4:30 PM, seven (7) working days prior to the requested conference date with the \$100 fee, payable to *The City of Tucson*. Staff will fill out the Case Information and advise applicants on any additional UDC requirements to complete the application package to initiate the review process.



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;

Neighboring properties have garages of a similar scope of work as proposed for this garage. This variance request does not appear to be an unusual request and should be afforded the same privileges enjoyed by other property owners in the Sam Hughes Historic District.

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

Many garages of contributing properties in the Sam Hughes Historic District are located at the rear of their properties to take advantage of service alleys. The location of this proposed garage has not created a self-imposed circumstance for this property nor does construction appear to be in conflict with other neighborhood property improvements. The garage location, because it is at the rear of the property, has been approved by the State Historic Preservation Office.

- 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;

The approval of this variance request appears to be consistent with other properties in the neighborhood and with the historic character of the Sam Hughes Historic District. Variance approval will not constitute a grant of special privileges.

- 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;

This property has an existing curb cut on the street side yard adjacent to the south (service alley) property line. Because of this site configuration, the lot size, and the location of the garage, the property cannot reasonably be developed to be in compliance with the UDC. Please refer to the accompanying photos.

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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;

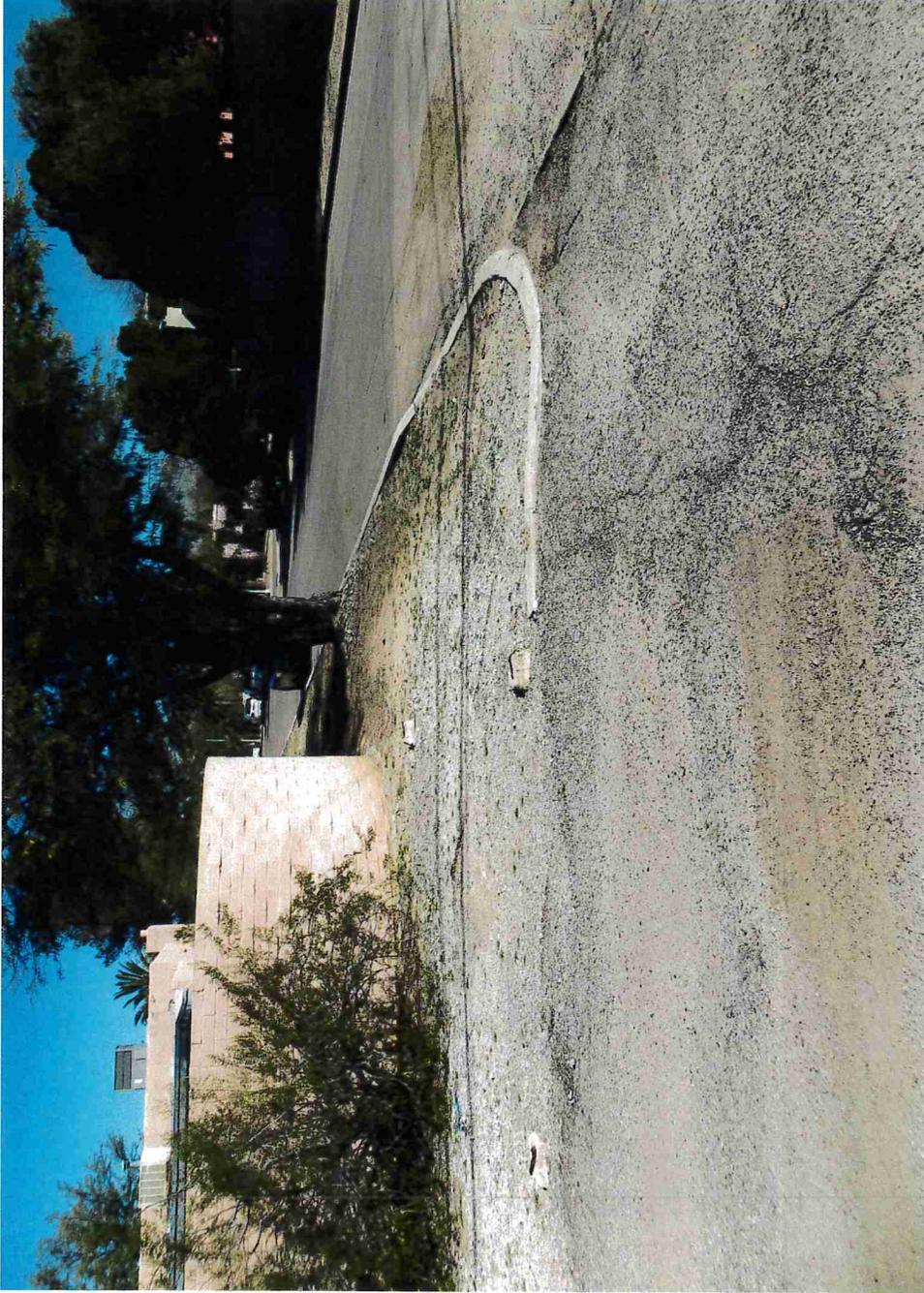
The granting of this variance will not be detrimental to the public welfare or injurious to other property owners in the neighborhood. The garage will be constructed adjacent to a service alley which carries limited vehicular traffic. The garage location is in compliance with sight distance requirements for driveways in accordance with the UDC.

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, The requested variance will neither impair light, or airflow, nor impact adjacent properties as granting of this variance will provide a 6-foot wide open area between the garage and the neighboring property line. The garage will not diminish or impair property values or increase congestion. The garage will enhance the architectural characteristics of the local community within the Sam Hughes Historic District.
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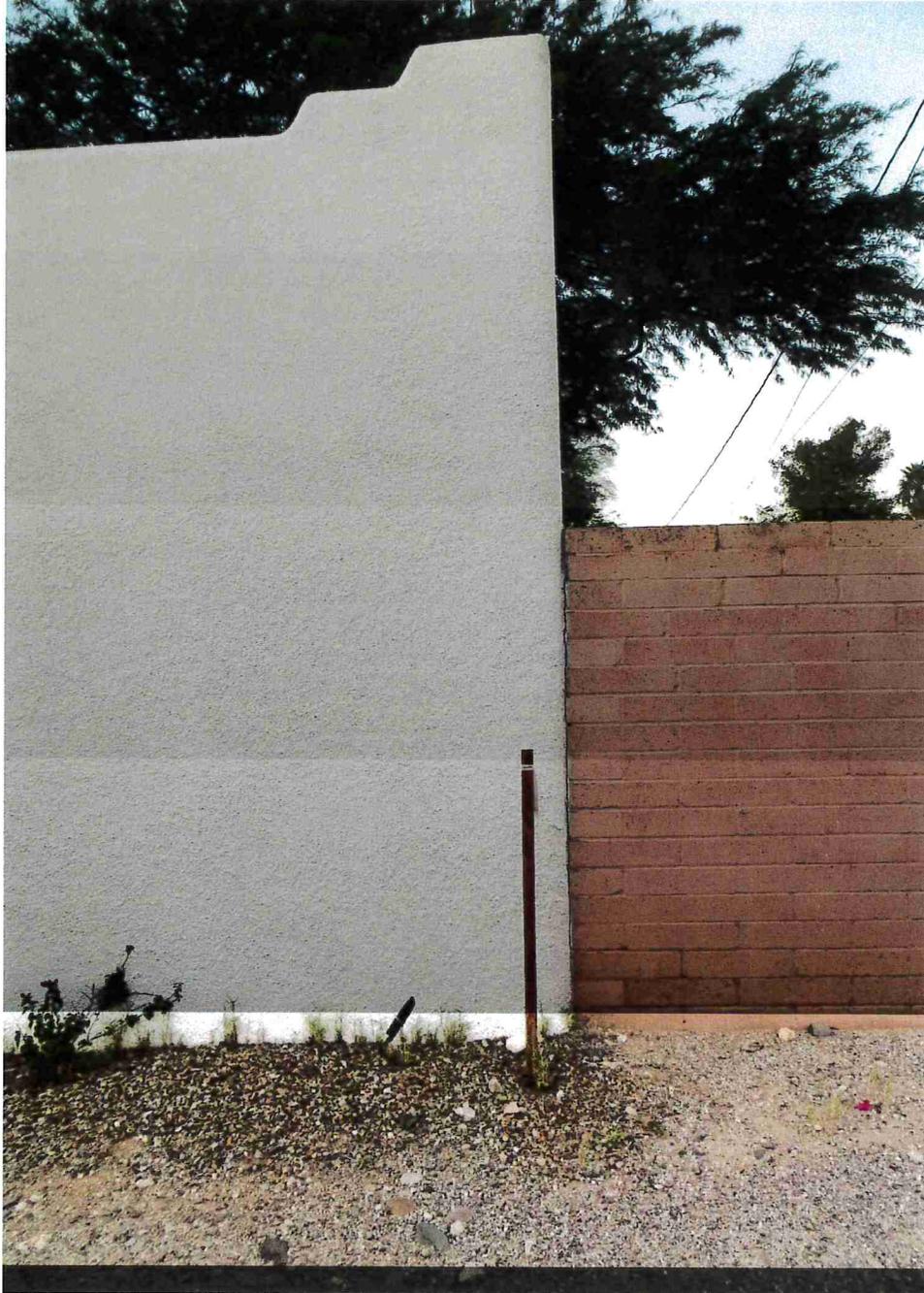
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions that are in question.

The requested variance is the minimum request possible to safely and effectively garage 2 average sized vehicles on-site. This request will afford relief to the project and is the least modification possible for compliance with the UDC.

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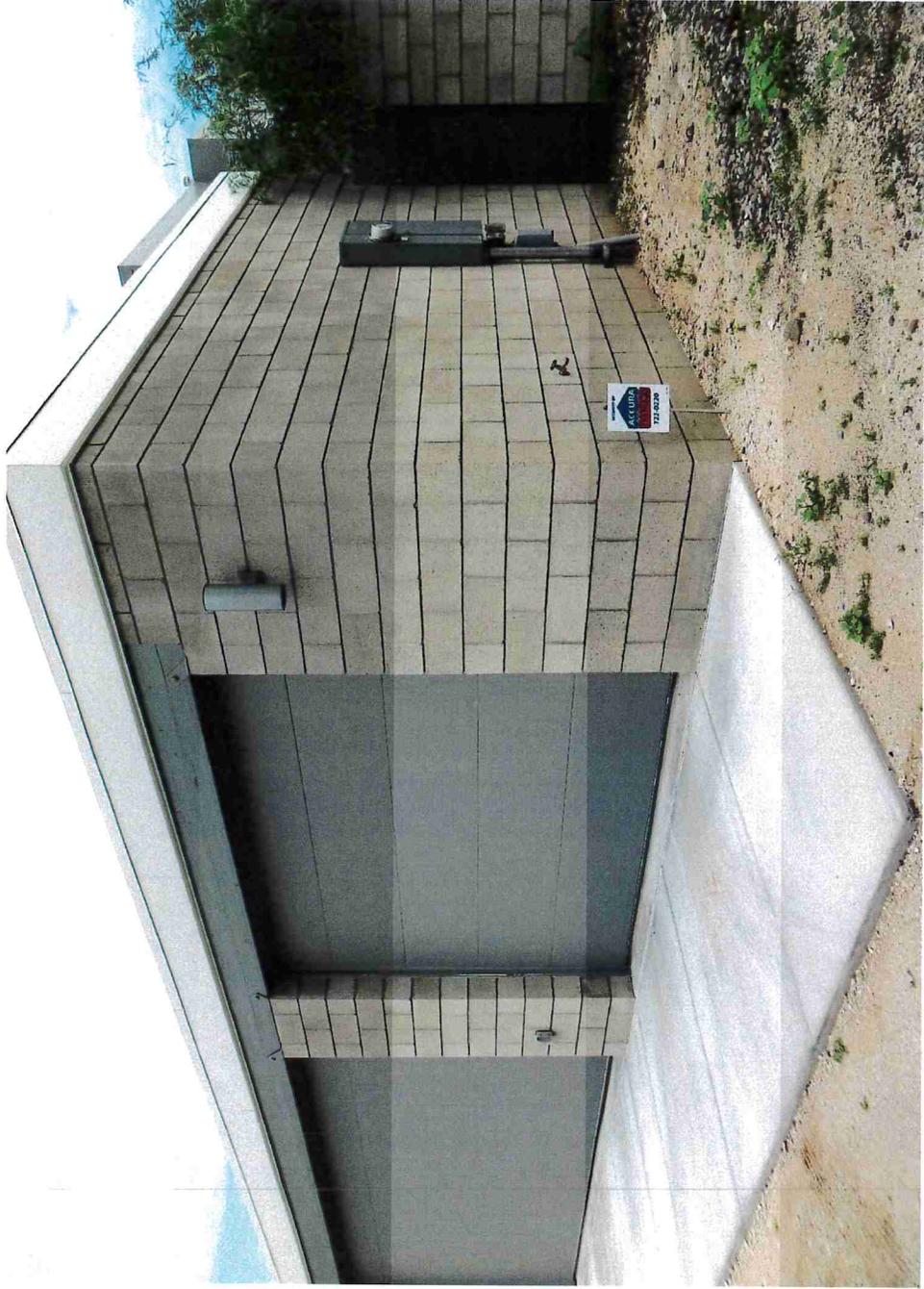
EXISTING CURB CUT ADJACENT TO ALLEY AT 2246 EAST SEVENTH STREET



**ADJACENT GARAGE AT 2240 EAST SEVENTH STREET SET
BACK 1'- 0" FROM PROPERTY LINE ALONG ALLEY**



NEIGHBORHOOD GARAGE ON ALLEY



NEIGHBORHOOD GARAGE ON ALLEY

April 22, 2019

To; BOARD OF ADJUSTMENT

Re; T19PRE0034

Subject: **UDC Parking Verification Based on Number of Bedrooms**

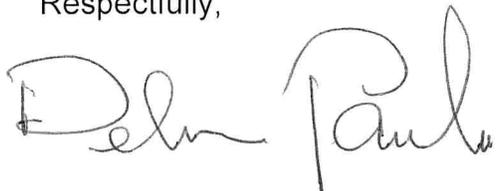
The UDC definition of "Bedroom" includes all of the following:

- Item 1: Any room that is designated as a bedroom.
- Item 2: Any enclosed room that has a minimum area of 60 square feet and has an accessible opening to the exterior of the building in compliance with the International Building Code (IBC) whether termed a studio, family room, study, den, bonus room, or any other name, except for a living room, dining room, kitchen, and bathrooms.
- Item 3. Any room designated as a bedroom for the purpose of any other code requirement.

Based on this information, the existing house to be renovated contains (1) one bedroom that complies with Item 1 and (1) room that meets the definition of Item 2. The addition has (2) two bedrooms in compliance with Item 1. Four rooms meet the UDC definition. Based on Table 7.4.4-1; "Minimum Number of Parking Spaces Required", a single family dwelling requires 2 spaces per dwelling unit. This property meets the requirement for a single family dwelling, detached.

The total number of bedrooms is (4) four and (2) two parking spaces have been provided in accordance with the UDC.

Respectfully,

A handwritten signature in cursive script, appearing to read "Delm Paul". The signature is written in dark ink on a white background.

Subject: Re: your property at 2246 E. 7th St, (S.H. HD) Tucson
From: Margy Parisella <mparisella@azstateparks.gov>
Date: 4/2/2019, 9:26 AM
To: "Del & Audrey Paules" <dandapaules@charter.net>

Hi again Del,

Since the garage is new, here are my thoughts...

I believe the garage meets the Secretary of the Interiors Standards because it is placed at an appropriate distance from the Historic house and the garage is secondary to the house (lower roof line). The design and materials appear to be compatible to the house and the neighborhood.

Thank you for asking for our thoughts.

On Thu, Mar 28, 2019 at 9:09 AM Del & Audrey Paules <dandapaules@charter.net> wrote:

Good morning Margy,

I need your review and comment in regard to the project at 2246 E 7th Street in Tucson, This request concerns the parking garage at the rear of the property adjacent to the alley. I am in the process of preparing a submittal package for a Board of Adjustment Variance to reduce the setback requirements described in the Unified Development Code for the garage. Attached are the scanned documents I previously emailed you that show the structure along the alley. I have made changes since those documents were made most noticeably that the garage front which faces Wilson Avenue is set back from the property line 6 feet in lieu of 10 feet as indicated on the drawing. The height is unchanged to match the height of the adjacent neighboring garage and the color and texture will match the house. Please email me or call me at 818-245-0037 if you need any additional information or to discuss.

Thank you,
Del Paules.

On 10/16/2018 11:25 AM, Margy Parisella wrote:

Del,

It was a pleasure talking with you.

Our review at SHPO is a courtesy, we review properties in historic districts to guide residents to meet the Secretary of the Interiors Standards for Rehab. so that the property remains a contributor to the Historic District listed on the National Register. The historic preservation zones in Tucson may have additional design requirements that may override or be more restrictive than the National Register eligibility criteria, please verify with City. As always thank you for consulting with us on your historic property. When the property is near ready to be owner occupied we suggest you look into the State Property Tax Reduction Program.

Here are my thoughts on your Tucson home renovation. Generally we look at the visibility for the public right of way. Because your lot is on a corner, we also take a look at the secondary elevation which is street facing. The addition is well planned to not affect the existing house. (The demolition of the previous addition is also acceptable.) The new sliding doors on the east side are hidden from public view by your perimeter wall and therefore acceptable. Your addition can be stuccoed since the offset differentiates the new and old.

I look forward to continued consultation (if you like) on your project in Tucson.
Thank you.

On Mon, Oct 15, 2018 at 9:00 AM Del & Audrey Paules <dandapaules@charter.net> wrote:

Hello Margy,

Ref: T18CM05839

Attached are scanned drawings indicating the extent of the remodeling work planned for the residence located at 2246 East 7th Street in Tucson.



ZONING REVIEW TRANSMITTAL

FROM: Elisa Hamblin, AICP; Principal Planner

PROJECT: T18CM05839, 2246 E 7th St
Detached garage

TRANSMITTAL: March 1, 2019

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 construct an approximately 468 square foot detached garage in the rear of the property.

The minimum setback is the greater of six (6) feet, or two-thirds (2/3) the height of the structure's wall facing each interior property line (Table 6.3-2.A). The minimum setback to the south property line is 7'4" based on a building height of 11'0". The proposal is for a 1'6" setback.

The minimum setback is the greater of six (6) feet, or two-thirds (2/3) the height of the structure's wall facing each interior property line (Table 6.3-2.A). The minimum setback to the east property line is 7'4" based on a building height of 11'0". The proposal is for a 6'0" setback.

The minimum setback to a side street property line is ten (10) feet (UDC Section 6.4.5.C.1.b). The applicant is proposing a 6'0" side street setback.

To: BOARD OF ADJUSTMENT

Re: T19PRE0034

Subject: **Certification of Neighborhood Meeting for 2246 East 7th Street Variance**

I, Delmar Paules, certify that on March 11, 2019, notices for a neighborhood meeting were mailed to 90 property owners. Of the 95 address labels received from the Planning and Development Services Department of the City of Tucson, one label was for the subject property, four labels were for individuals representing various neighborhood associations but with no address, and one label with an address was forwarded but returned to sender. Those five labels have been copied as attached.

Signature:  _____

Date: APRIL 10, 2019

Attachments:

- Copy of Post Office Receipt
- Copy of Neighbor Letter and Sign-In Sheet
- Copy of Meeting Minutes
- Copy of Noted Mailing Labels

March 12, 2019

Subject: Neighborhood Meeting for a Board of Adjustment Variance Application

Dear Neighbor;

We are proposing to build a garage to be located at the rear of our property, adjacent to the alley. As required by code, the garage will consist of two vehicular parking spaces. Vehicle parking will be in tandem with one garage door facing Wilson Avenue to utilize an existing curb cut. The garage height will be 11 feet to match the existing neighbor's garage height.

In accordance with the City of Tucson Unified Development Code, the garage will require a variance to the code requirements as follows:

1. To reduce the garage setback at the alley from 7'- 4" to 1'- 6" in accordance with Table 6.3-2.A.
2. To reduce the garage setback at the west property line from 7'- 4" to 6'- 0" in accordance with Table 6.3-2.A.
3. To reduce the garage side yard setback along Wilson Avenue from 10'- 0" to 6'- 0" in accordance with Section 6.4.C.1.b.

We are required to invite our neighbors to a meeting prior to submitting an application for a variance to the City of Tucson Planning and Development Services Department. The neighborhood meeting will be held on March 25, 2019 at 4:30 P.M. at the rear of our property at 2246 East 7th Street. Should you decide to attend, there will be an attendance sheet for you to sign in. If you are unable to attend the meeting, but have questions or concerns, please contact Del Paules at dandapaules@charter.net.

Subsequent to this meeting, a formal application for the variance will be submitted to the City of Tucson Planning and Development Services Department. After our application has been processed, we will be scheduled for a Board of Adjustment public hearing which you may attend and address any concerns you may have. You will receive an official notice from the City indicating the date, time, and place of the Board of Adjustment public hearing. Included with that notice will be a comment form that you may fill out regarding our project.

Thank you. We look forward to meeting with you.

Best regards,

Handwritten signatures of Del and Audrey Paules. The signature on the left is 'Del Paules' and the signature on the right is 'Audrey Paules'.

Del and Audrey Paules

PAULES RESIDENCE
2246 EAST 7TH STREET

VARIANCE MEETING SIGN-IN SHEET
MARCH 25, 2019 4:30 PM

Name: Kurt Nielsen
Address: 322 N. Wilson Ave
Phone: 520 795-5766
Email: nielsen322@msn.com

Name: David Gantz & Cato Kagan
Address: 2240 E 7th Street
Phone: 520-490-3004
Email: davidagantz@msn.com

Name: BRIAN MCCARTHY
Address: 2228 E. 7th St.
Phone: 520-404-9376
Email: MCCARTHYBL@MSN.COM

Name: _____
Address: _____
Phone: _____
Email: _____

Name: _____
Address: _____
Phone: _____
Email: _____

Name: _____
Address: _____
Phone: _____
Email: _____

April 22, 2019

Re: T19PRE0034

Board of Adjustment Variance for 2246 E 7th Street Neighborhood Meeting

A neighborhood meeting was held at 2246 East 7th Street on March 25, at 4:30pm. Neighbors in attendance were David Gantz, Cate Fagan, Kurt Nielson, Brian McCarthy, and the applicant, Delmar Paules. No emails were received from any neighbors as suggested in the neighborhood letter for those who could not attend.

The meeting promptly began at 4:30pm with the group gathered around a copy of the Site development Plan with the garage location highlighted. Elevations of the garage were also provided for review. Delmar Paules described the project.

Project Description:

Because of the interior renovation of the original home plus a new addition, there will be three bedrooms and an office, which, as defined in the Unified Development Code, must be considered as a bedroom because it exceeds 70 SF. By code four bedrooms requires 2 parking spaces be provided on site.

The garage will have 2 vehicular parking spaces in tandem that will utilize an existing curb cut on Wilson Avenue adjacent to the alley. Because of the size of the garage and site constraints, the applicant is requesting a reduced setback from the alley, a reduced setback from the neighboring property line, and a reduced setback from the side yard setback at Wilson Avenue. The garage height will match the height of the neighboring garage and the materials, finish, and color will match the house.

The informal meeting was open for questions and comments during the discussion. Questions and responses were as follows:

1. Why is the property being renovated?
Response: The property will become owner occupied.
2. Why is the garage set back from the service alley 1'- 6" and not 1'- 0" to match the adjacent garage?
Response: To provide a wider strip for landscaping.
3. When will the front of the property be landscaped?
Response: Landscaping will be performed at a later date.
4. How will the garage roof drain occur as we are concerned about runoff affecting our garage foundation at 2240 e 7th Street?
Response: Drainage from the garage roof will not be directed toward the neighboring property.

Parcel Number: 125-07-534A

Property Address

Street Number	Street Direction	Street Name	Location
2246	E	7TH ST	Tucson

Contact Information

Property Owner Information:

PAULES FAMILY REVOC TR
 ATTN: DELMAR DEAN & AUDREY MELINDA
 PAULES TR
 5146 HAYMAN AVE
 91011-2330

Property Description:

FAIRMOUNT LOT 1 EXC PTN N15.94' S16.87'
 W1.32' THEREOF & PTN N14.15' S31.02' E1.32'
 LOT 2 BLK 33

Valuation Data

Valuation Year	Property Class	Assessment Ratio	Total FCV	Limited Value	Limited Assessed
2018	RES OTHER (4)	10.0	\$207,522	\$207,522	\$20,752
2019	RES OTHER (4)	10.0	\$236,362	\$217,898	\$21,790

Property Information

Township:	14 0	Section:	8	Range:	14.0E
Map & Plat:	4/32	Block:	033	Tract:	
Rule B District:	3	Land Measure:	6,750.00F	Lot:	00001
Census Tract:	600	File Id:	1	Group Code:	
Use Code:	0131 (SFR GRADE 010:3 URBAN SUBDIVIDED)			Date of Last Change:	9/27/2016

Valuation Area

District Supervisor: RICHARD ELIAS District No: 5

Condo Market	DOR Market	MFR Neighborhood	SFR Neighborhood	SFR District
60	6	UN_SAM_HUGHES	05005001	13

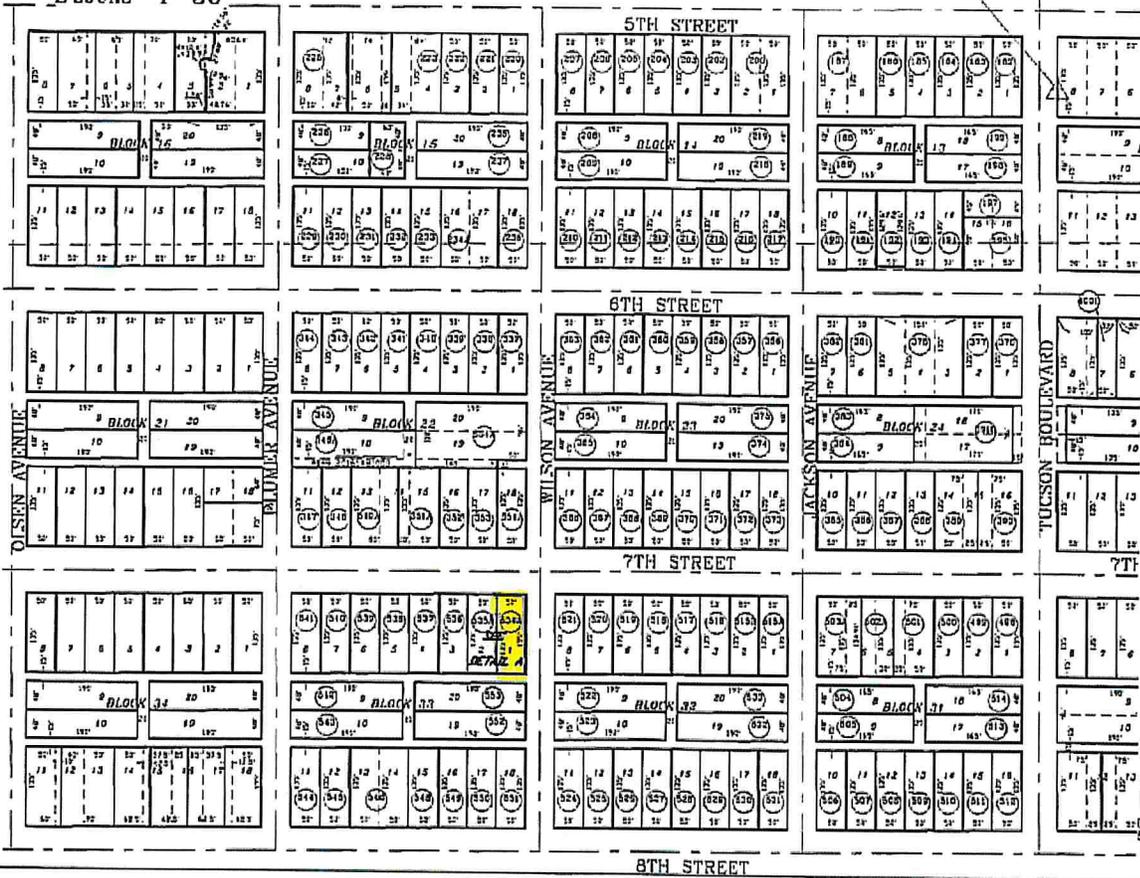
Recording Information (4)

Sequence No.	Docket	Page	Date Recorded	Type
20162570168	0	0	9/13/2016	WTDEED
20050650304	12524	1013	4/5/2005	JTDEED
20030151047	11972	3952	1/23/2003	
0	4653	114	12/3/1973	

ASSESSOR'S RECORD MAP
125-07 FAIRMOUNT ADDITION
BLOCKS 1-36

ALTA VISTA ADDITION
BOOK 03 PAGE 097 M&P
DETAIL 3

1" = 1/4" COR.
"R" OR
SUB. J.S.P.M.E



DETAIL A

1.32' - 1.32'
3.33' - 1.55'
9.33' - 1.55'
1" = 30'

200
COUNT
REVISION